

Remarks

Both the Group I and Group II claims are directed to a single inventive concept under PCT Rule 13.1 because they do in fact share the same technical features. This is why no PCT objection was made on the basis of unity of invention.

The Office states that: "Group I has the special inventive feature of a water redispersible polymer powder comprising a monomer and a colloid while Group II has the special technical feature of preparing a water redispersible polymer powder comprising two specific colloids where one colloid is a protective colloid." This claim interpretation is fundamentally incorrect.

First, claim 14 (Group I) is not directed to a water redispersible polymer powder containing a monomer and colloid. Claim 14 claims water redispersible polymer powders wherein the polymer particles are prepared by polymerizing the named monomers, resulting in polymer particles. Monomers are no longer present.

Second, both claim 14 (Group I) and claim 18 (Group II) require the same protective colloid. The language describing these protective colloids in both claim 14 and claim 18 was intended to be the same, and only non-substantial differences were present in the claims as filed. These claims have been amended and now contain exactly the same language describing the modified protective colloids.

... modified polyvinyl alcohol protective colloid selected from the group consisting of polyvinyl alcohol copolymers containing copolymer units having a latent carboxylic acid functionality, copolymer units containing phosphorous, and copolymers containing both copolymer units having a latent carboxylic acid functionality and copolymer units containing phosphorus.

(Claim 14)

... modified protective colloid selected from the group consisting of modified polyvinyl alcohol copolymers containing copolymer units having a latent carboxylic acid functionality, copolymer units containing phosphorous, and copolymers containing both

copolymer units having a latent carboxylic acid functionality and
copolymer units containing phosphorus,

(Claim 18)

As can be seen, the identical protective colloid is present in both claims, and the polymer particles are prepared in the same manner and by the same process. There is clearly a common special technical feature.

Finally, claim 18 depends from claim 14, a product claim, and thus contains all the limitations of claim 14.

Since Applicants have elected the Group I product claims, and since the Group II process claims contain all the product claims of claim 14, even were the restriction proper, rejoinder is mandatory.

Early favorable consideration is respectfully requested.

Respectfully submitted,

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